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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,432	07/30/2001	Gerhard Spitz	112740-271	1689

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EXAMINER

SHAH, NILESH R

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,432

Applicant(s)

SPITZ, GERHARD

Examiner

Nilesh Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/10/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-6 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack antecedent basics:

- i. "the tasks" claim 1;
- ii. "the accessing task" claim 1;
- iii. "the intended task change" claim 1;
- iv. "the currently accessing task" claim 1;
- v. "current access" claims 1, 2;
- vi. "secure access" claims 1, 2;
- vii. "the duration" claim 2;
- viii. "the defined time period" claim 2;

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- ix. “the release information item” claim 3;
- x. “the enable information item” claim 5.

b. The following claim language is not clearly define:

- i. As per claim 1, lines 1 and 11 it is unclear if secure access and current access are the same element? Both are defined as (gz) are they one and the same element? It is also unclear if the tasks (T1, T2) are the same as the currently accessing task (T1)?
- ii. As per claim 2, lines 5 and 6 it is unclear if secure access and current access are the same element? Both are defined as (gz) are they one and the same element?
- iii. As per claims 2-6, the use of word “characterized” is inappropriate since 35 USC 112, second paragraph, requires the claim to particularly point out and distinctly claim the invention, not merely its characteristics.

Furthermore, if this word is eliminated, then the remaining format of the claim should be modified in order to reflect this correction.
- iv. As per claim 3, line 3 it is unclear if the release information item is the same thing as the enable information item as stated in claim 5 line 4. They both are labeled F1.
- v. As per claim 6, line 3 it is unclear if a “variable” refers to the same “at least one variable” in claim 1 lines 1-2. If they are the same, then “the” or “said” should be used.

Claim Rejections - 35 USC § 103

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kieckhafer et al (4,805,107) (hereinafter Kieckhafer) in view of William (5,418,956).
5. As per claim 1, Kieckhafer teaches the invention substantially as claimed including a preemptively processor system, and a task scheduler for processing the tasks:
in which access status memory provided which blocking information item input the accessing task before current at least one variable (col. 2 lines 55-63, col. 10 lines 50-55, col. 90 lines 1-8);
in which there is task change intended by task scheduler during the current access, the task scheduler checks the access status memory for an input blocking information item and when the blocking information item is input the task scheduler delays the intended task change and task change information input using said blocking information item (col. 9 lines 37-50, col. 46 lines 55-66); and
into which a release information input the currently the and current access and when a task change information task change accessing task (col. 46 lines 55-66).
6. Kieckhafer does not specifically teach the use of secure access.
William teaches the use of a secure access system (col. 3 lines 5-12).

7. It would have been obvious to one skilled in the art to combine the teachings of William and Kieckhafer at the time the invention was made because William's secure system would improve Kieckhafer's system by making sure all communications are secure thus making the entire system protected from outside intruders.
8. As per claim 2, Kieckhafer teaches a method characterized that addition inputting task change information item a time monitoring system with a time period comprising at least the duration of secure access is activated, and that the current access is terminated after the expire of the defined time period (col. 2 lines 47-54).
9. As per claim 3, Kieckhafer teaches a method characterized in that end secure access and before inputting the release information item the contents the access status memory are checked so that when task change information present the activated monitoring system deactivated and technical operating information which initiates the intended task change transmitted task scheduler currently accessing task (col. 9 lines 37-50, col. 46 lines 55-66).
10. As per claim 4, Kieckhafer teaches a method characterized in that the contents access status memory overwritten by the inputting an information item into the access status memory (col. 10 lines 50-55, col. 16 lines 13-16)

11. As per claim 5, Kieckhafer teaches a method characterized in that the blocking information item the task change information and the enable information item are formed by at least one single-bit information item (col. 2 lines 47-54, col. 90 lines 1-8).
12. As per claim 6, Kieckhafer teaches a method characterized in that a variable represented either by a variable of a software module which is stored in a memory unit by hardware-related setting information item stored hardware register (col. 16 lines 13-17, col. 29 lines 35-44).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is (571)272-3771 starting October 25, 2004 Until then examiner can be reached at 703-305-8105. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571)272-3756 after October 28, 2004.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nilesh Shah
Examiner
Art Unit 2127

September 7, 2004



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